

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Richard G. Miller, et al.

Application No.: 09/541,033

Filed: March 31, 2000

For: COMBINATION THERAPY FOR
AUTOIMMUNE AND ALLOIMMUNE
DISEASES



Group Art Unit: 1644

Examiner: Roark, J.

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AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply to the Office Action mailed September 5, 2000 for the above-identified patent application.

- A Petition for 5-Month Extension of Time is also enclosed.
- A Terminal Disclaimer and a check for [] \$55.00 (248) [] \$110.00 (148) to cover the requisite Government fee are also enclosed.
- Also enclosed is a check in the amount of \$945.00 for the Petition for 5-Month Extension of Time fee; a return postcard
- Small entity status is hereby claimed.
- Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the [] \$355.00 (279) [] \$710.00 (179) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.
- No additional claim fee is required.

Amendment/Reply Transmittal Letter
Application No. 09/541,033
Attorney's Docket No. 033136-119
Page 2

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
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Date: February 27, 2001

Patent
Attorney's Docket No. 033136-119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Richard G. Miller, et al.

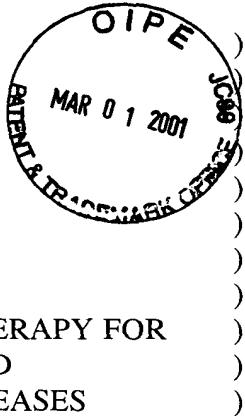
Application No.: 09/541,033

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REPLY TO REQUIREMENT FOR ELECTRON OF SPECIES

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Reply is submitted in response to the Election of Species Requirement mailed on September 5, 2000. It is submitted on or before its current due date of March 5, 2001, together with a five-month extension of time. Consideration of the following remarks is respectfully requested.

REMARKS

Pursuant to 35 C.F.R. §121, the Office has required an election of a single disclosed species between the following diseases, stressors and therapeutic treatments:

| <u>Group A.</u> | <u>Diseases</u> |
|-----------------|-----------------------|
| i) | rheumatoid arthritis; |
| ii) | multiple sclerosis; |
| iii) | SLE; |
| iv) | scleroderma; |
| v) | diabetes; |

- vi) inflammatory bowel disease;
- vii) psoriasis;
- viii) atherosclerosis;
- ix) graft versus host disease; or
- x) transplant rejection,

Group B. Stressor

- i) oxidative environment;
- ii) electromagnetic emission;
- iii) temperature above body temperature;
- iv) temperature below body temperature;
- v) temperature below body temperature and an oxidative environment;
- vi) temperature below body temperature and electromagnetic emission;
- vii) temperature below body temperature and electromagnetic emission and oxidative environment;
- viii) temperature above body temperature and an oxidative environment;
- xi) temperature above body temperature and electromagnetic emission;
- x) temperature above body temperature and electromagnetic emission and oxidative environment; or
- xi) oxidative environment and electromagnetic emission

Group C. Therapeutic Treatment Comprises TNF Inhibitor

- i) p55 TNFR:Fc
- ii) p75 TNFR:Fc
- iii) anti-TNF monoclonal antibodies, or
- iv) (4-(3-cyclopentyloxy-4-methoxyphenyl)-2-pyrrolidone.

Election

Applicants elect for examination the disease rheumatoid arthritis ((A)(i)), the stressor temperature above body temperature and electromagnetic emission and oxidative environment ((B)(x)), and the therapeutic treatment comprising the TNF inhibitor p75 TNFR:Fc ((C)(ii)). This election is made without traverse and without prejudice or disclaimer to filing additional applications directed to the non-elected species.

Claims

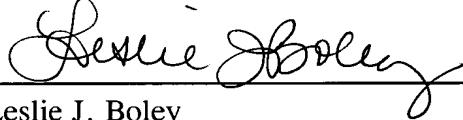
Applicants believe that this species reads on claims 1-11.

Conclusion

Applicants respectfully request early examination on the merits.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Leslie J. Boley
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Date: February 27, 2001